

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 307

AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-1-10-5, AS AMENDED BY P.L.29-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) A state agency may disclose the Social Security number of an individual if any of the following apply:

- (1) The disclosure of the Social Security number is expressly required by state law, federal law, or a court order.
- (2) The individual expressly consents in writing to the disclosure of the individual's Social Security number.
- (3) The disclosure of the Social Security number is:
  - (A) made to comply with:
    - (i) the USA Patriot Act of 2001 (P.L. 107-56); or
    - (ii) Presidential Executive Order 13224; or
  - (B) to a commercial entity for the permissible uses set forth in the:
    - (i) Drivers Privacy Protection Act (18 U.S.C. 2721 et seq.);
    - (ii) Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); or
    - (iii) Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.).
- (4) The disclosure of the Social Security number is for the purpose of administration of a state agency employee's or the state

SEA 307 — Concur+



C  
o  
p  
y

agency employee's dependent's health benefits.

(5) The disclosure of the Social Security number is for the purpose of administration of:

(A) a pension fund administered by the board of trustees of the public employees' retirement fund;

(B) the Indiana state teachers' retirement fund;

(C) a deferred compensation plan or defined contribution plan established under IC 5-10-1.1; ~~or~~

(D) a pension plan established by the state police department under IC 10-12; **or**

**(E) the Uniform Commercial Code (IC 26-1) by the office of the secretary of state.**

(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12).

SECTION 2. IC 4-5-1-11, AS ADDED BY P.L.184-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. The secretary of state may adopt and enforce rules under IC 4-22-2 that are necessary to carry out:

**(1) IC 9-18-26;**

**(2) IC 9-22-4;**

~~(1)~~ **(3) IC 9-23-1;**

~~(2)~~ **(4) IC 9-23-2;**

~~(3)~~ **(5) IC 9-23-3; and**

~~(4)~~ **(6) IC 9-23-6.**

SECTION 3. IC 9-17-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

(1) been in business for not less than five (5) years; and

(2) sold not less than one hundred fifty (150) motor vehicles during the preceding **calendar** year.

(b) This section does not apply to the following:

(1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.

(2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.

(3) A motor vehicle that is registered under the International Registration Plan.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

**C  
o  
p  
y**



- (1) An employee of a dealer designated by the ~~bureau~~ **secretary of state** to perform an inspection.
- (2) A military policeman assigned to a military post in Indiana.
- (3) A police officer.
- (4) A designated employee of the bureau.
- (d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:
  - (1) Make a record of inspection upon the application form prepared by the bureau.
  - (2) Verify the facts set out in the application.

SECTION 4. IC 9-17-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is otherwise transferred, the person who holds the certificate of title must do the following:

- (1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.
- (2) Except as provided in subdivisions (3) and (4), deliver the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.
- (3) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.
- (4) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all of the following conditions exist:
  - (A) The seller or transferor is a vehicle dealer licensed by the state under IC 9-23.
  - (B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.
  - (C) The vehicle dealer reasonably believes that it will be able to deliver the certificate of title, without a lien or an encumbrance on the certificate of title, within the twenty-one (21) day period.
  - (D) The vehicle dealer provides the purchaser or transferee

**C  
o  
p  
y**



with an affidavit under section 3.1 of this chapter.

(E) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(3) or (a)(4) at the time of the sale.

(c) A vehicle dealer who fails to deliver a certificate of title within the time specified under this section is subject to the following civil penalties:

- (1) One hundred dollars (\$100) for the first violation.
- (2) Two hundred fifty dollars (\$250) for the second violation.
- (3) Five hundred dollars (\$500) for all subsequent violations.

Payment shall be made to the ~~bureau~~ **secretary of state** and deposited in the state general fund. In addition, if a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee shall have the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser.

(d) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

- (1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and

- (2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's

C  
o  
p  
y



fees.

(e) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(f) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within five (5) days after the date of sale.

SECTION 5. IC 9-18-26-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A person licensed under IC 9-23-2 may apply for a dealer license plate. The application must include any information the ~~bureau~~ **secretary of state** reasonably requires. Upon application, a distinctive registration number shall be assigned to each applicant. Two (2) certificates of registration and two (2) ~~sets of~~ metal license plates bearing the applicant's registration number shall then be issued to the applicant.

SECTION 6. IC 9-18-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) The ~~bureau~~ **secretary of state** shall issue dealer license plates under this chapter according to the following classifications:

- (1) Dealer-new.
- (2) Dealer-used.
- (3) Manufacturer.

(b) The ~~bureau~~ **secretary of state** may adopt rules under IC 4-22-2 to establish additional classifications of dealer license plates and may prescribe the general conditions for usage of an additional classification. The ~~bureau~~ **secretary of state** shall establish the classification of antique car museum dealer license plates.

SECTION 7. IC 9-18-26-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The ~~bureau~~ **secretary of state** shall determine the color, dimension, and style of the letters and the information required on a dealer license plate issued under this chapter.

SECTION 8. IC 9-18-26-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. Upon payment of the fee under IC 9-29-8, an applicant may obtain additional dealer license plates of the same category. The applicant must demonstrate the

C  
o  
p  
y



applicant's need for additional plates by stating the applicant's number of employees, annual sales, and other supporting factors. The ~~bureau~~ **secretary of state** shall determine whether the applicant is entitled to additional plates.

SECTION 9. IC 9-18-26-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. Dealer-new, dealer-used, and manufacturer license plates may be used without restriction by a manufacturer, a dealer, or an employee of a manufacturer or a dealer under rules adopted by the ~~bureau~~ **secretary of state** to prohibit use of the plates solely to avoid payment of applicable taxes.

SECTION 10. IC 9-18-26-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. (a) The ~~bureau~~ **secretary of state** may issue an interim license plate to a dealer or manufacturer who is licensed and has been issued a license plate under section 1 of this chapter.

(b) The ~~bureau~~ **secretary of state** shall prescribe the form of an interim license plate issued under this section. However, a plate must bear the assigned registration number and provide sufficient space for the expiration date as provided in subsection (c).

(c) Whenever a dealer or manufacturer sells a motor vehicle, the dealer or manufacturer may provide the buyer with an interim license plate. The dealer shall, in the manner provided by the ~~bureau~~ **secretary of state**, affix on the plate in numerals and letters at least three (3) inches high the date on which the interim license plate expires.

(d) An interim license plate authorizes a motor vehicle owner to operate the vehicle for a maximum period of thirty-one (31) days after the date of delivery of the vehicle to the vehicle's owner or until a regular license plate is issued, whichever occurs first.

(e) A motor vehicle that is required by law to display license plates on the front and rear of the vehicle is only required to display a single interim plate.

SECTION 11. IC 9-18-26-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. A person who knowingly violates a rule adopted by the ~~bureau~~ **secretary of state** regarding the classification and use of a dealer plate commits a Class A infraction.

SECTION 12. IC 9-18-26-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. A person who violates this chapter or a rule or order of the ~~bureau~~ **secretary of state** issued under this chapter is subject to a civil penalty of not less than

C  
o  
p  
y



fifty dollars (\$50) and not more than one thousand dollars (\$1,000) for each day of violation and for each act of violation, as determined by the court. All civil penalties recovered under this chapter shall be paid to the state.

SECTION 13. IC 9-18-26-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. In addition to the civil penalty imposed under section 14 of this chapter, the ~~bureau~~ **secretary of state** may restrict, suspend, or revoke a dealer permanent or interim license plate that was issued to the violator.

SECTION 14. IC 9-18-26-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 16. Whenever a person violates this chapter or a rule or order of the ~~bureau~~ **secretary of state** issued under this chapter, the ~~bureau~~ **secretary of state** may institute a civil action in any circuit or superior court of Indiana for injunctive relief to restrain the person from continuing the activity or for the assessment and recovery of the civil penalty provided in section 14 of this chapter, or both.

SECTION 15. IC 9-18-26-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. At the request of the ~~bureau~~, **secretary of state**, the attorney general shall institute and conduct an action in the name of the state for:

- (1) injunctive relief or to recover the civil penalty provided by section 14 of this chapter;
- (2) the injunctive relief provided by section 16 of this chapter; or
- (3) both.

SECTION 16. IC 9-18-26-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. All records directly related to the use of interim plates by a dealer must be made available to an investigating employee of the ~~bureau~~ **secretary of state** upon demand at the dealer's place of business.

SECTION 17. IC 9-22-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. (a) The ~~bureau~~ **secretary of state** shall prescribe recordkeeping forms to be used by:

- (1) a disposal facility;
- (2) an automotive salvage rebuilder; and
- (3) a used parts dealer licensed under IC 9-22-4;

to preserve information about salvage vehicles or major component parts acquired or sold by the business.

(b) The recordkeeping forms required under subsection (a) must contain the following information:

- (1) For each new or used vehicle acquired or disposed of or for the major component parts of a new or used vehicle, the

C  
o  
p  
y



following:

- (A) A description of the vehicle or major component part, including numbers or other marks identifying the vehicle or major component part.
  - (B) The date the vehicle or major component part was acquired and disposed of.
  - (C) The name and address of the person from whom the vehicle or major component part was acquired.
  - (D) Verification of the purchaser of the vehicle or major component part by driver's license, state identification card, or other reliable means.
- (2) For motor vehicles acquired or disposed of, in addition to the information required by subdivision (1), the following:
- (A) The vehicle's trade name.
  - (B) The vehicle's manufacturer.
  - (C) The vehicle's type.
  - (D) The model year and vehicle identification number.
  - (E) A statement of whether any number has been defaced, destroyed, or changed.
- (3) For wrecked, dismantled, or rebuilt vehicles, the date the vehicle was dismantled or rebuilt.
- (c) Separate records for each vehicle or major component part must be maintained.
- (d) The recordkeeping requirements of this section do not apply to hulk crushers or to scrap metal processors when purchasing scrap from a person who is licensed under IC 9-22-4 and who is required to keep records under this section.

SECTION 18. IC 9-22-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. A disposal facility, a used parts dealer, or an automotive salvage rebuilder must be licensed by the ~~bureau~~ **secretary of state** under this chapter before the facility, dealer, or rebuilder may do any of the following:

- (1) Sell a used major component part of a vehicle.
- (2) Wreck or dismantle a vehicle for resale of the major component parts of the vehicle.
- (3) Rebuild a wrecked or dismantled vehicle.
- (4) Possess more than two (2) inoperable vehicles subject to registration for more than thirty (30) days.
- (5) Engage in the business of storing, disposing, salvaging, or recycling of vehicles, vehicle hulks, or the parts of vehicles.

SECTION 19. IC 9-22-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. To apply for a

C  
o  
p  
y



license under this chapter, a disposal facility, a used parts dealer, or an automotive salvage rebuilder must do the following:

- (1) File a completed application, which must be verified by the ~~bureau~~ **secretary of state**.
- (2) Submit with the application the licensing fee under IC 9-29-7 to the ~~bureau~~ **secretary of state**.

SECTION 20. IC 9-22-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. The ~~bureau~~ **secretary of state** shall prescribe an application form to be used by persons applying for a license under this chapter. The application must include the following information:

- (1) The applicant's name.
- (2) The applicant's type of business organization and the following as appropriate:
  - (A) If the applicant is a corporation, the name and address of each officer and director of the corporation.
  - (B) If the applicant is a sole proprietorship, the name and address of the sole proprietor.
  - (C) If the applicant is a partnership, the name and address of each partner.
  - (D) If the applicant is an unincorporated association or similar form of business organization, the name and address of each member, trustee, or manager.
- (3) The applicant's principal place of business.
- (4) All places other than the applicant's principal place of business at which the applicant proposes to conduct any of the activities set out in section 1 of this chapter.
- (5) The types of activities set out in section 1 of this chapter that the applicant proposes to conduct.

SECTION 21. IC 9-22-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. Within a reasonable time, the ~~bureau~~ **secretary of state** shall do the following:

- (1) Review all applications submitted under this chapter.
- (2) Approve all applications submitted unless any of the following apply:
  - (A) The application does not conform with this chapter.
  - (B) The applicant has made a material misrepresentation on the application.
  - (C) The applicant has been guilty of a fraudulent act in connection with one (1) of the activities specified in section 1 of this chapter.

SECTION 22. IC 9-22-4-6 IS AMENDED TO READ AS

C  
o  
p  
y



FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. A person denied a license under section 5 of this chapter is entitled to a hearing under ~~IC 4-21.5-3~~. **section 10 of this chapter.**

SECTION 23. IC 9-22-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. If the ~~bureau~~ **secretary of state** approves an application under this chapter, the ~~bureau~~ **secretary of state** shall grant the applicant the following:

- (1) An original license for the applicant's principal place of business.
- (2) A supplemental license for each other place of business listed on the application.

SECTION 24. IC 9-22-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. The ~~bureau~~ **secretary of state** shall prescribe the form of the licenses granted under section 7 of this chapter. A license granted under section 7 of this chapter must include the following information:

- (1) The licensee's name.
- (2) The licensee's type of business organization and the following as appropriate:
  - (A) If a corporation, the name and address of each officer.
  - (B) If a sole proprietorship, the name and address of the proprietor.
  - (C) If a partnership, the name and address of each managing partner.
  - (D) If an unincorporated association or similar form of business organization, the name and address of the manager or other chief administrative official.
- (3) The licensee's principal place of business.
- (4) The place of business to which each supplemental license applies.
- (5) A listing of the types of business activities specified in section 1 of this chapter that the licensee may conduct.
- (6) The date the license expires.

SECTION 25. IC 9-22-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. **(a) The secretary of state may investigate a violation of this chapter, including a violation of a rule adopted under section 12 of this chapter. In conducting an investigation under this subsection, the secretary of state may do the following:**

- (1) Administer oaths and affirmations.**
- (2) Subpoena witnesses and compel attendance.**
- (3) Take evidence.**

C  
o  
p  
y



**(4) Require the production of documents or records that the secretary of state determines are material to the investigation. Upon a motion by the secretary of state, the court may order a person that fails to obey a subpoena issued under subdivision (2) to obey the subpoena.**

**(b) A person may not be excused from:**

- (1) obeying a subpoena issued by;**
- (2) attending a proceeding and testifying as ordered by; or**
- (3) otherwise producing evidence as ordered by;**

**the secretary of state on grounds that the person's testimony or evidence may tend to incriminate the person or subject the person to a penalty or forfeiture. However, a person that asserts the privilege against self-incrimination may not be prosecuted or subjected to a penalty or forfeiture for any matter concerning the person's testimony or evidence.**

**(c) Following an investigation under subsection (a), the secretary of state may, without a hearing, issue orders and notices that the secretary of state determines to be in the public interest. The ~~bureau~~ secretary of state may ~~revoke or suspend~~ issue an order under this subsection suspending or revoking the license of a disposal facility, used parts dealer, or automotive salvage rebuilder after providing a fifteen (15) day written notice and conducting a hearing under ~~IC 4-21.5-3~~ only if the ~~bureau~~ secretary of state determines that any of the following conditions ~~exists~~ exist:**

- (1) The licensee made a material misrepresentation on the license application.**
- (2) The licensee committed a fraudulent act in connection with one (1) of the activities specified in section 1 of this chapter.**
- (3) The licensee committed a material violation of the recordkeeping requirements of IC 9-22-3-19.**
- (4) The licensee has violated any other provision of this chapter or the rules adopted under this chapter by the bureau.**
- (5) The licensee has committed a violation of a statute concerning theft, arson, mischief, forgery, deception, or fraud, or the motor vehicle titling laws.**
- (6) The licensee has had a license issued under IC 9-23 revoked or suspended.**

**(d) Upon the entry of an order under subsection (c), the secretary of state shall promptly notify all interested parties of the following:**

- (1) The date of issuance.**
- (2) The reasons for issuance.**

**C  
O  
P  
Y**



(3) That, upon written request, the matter will be set for hearing within fifteen (15) business days after receipt of the request.

(e) An order issued under subsection (c) remains in effect until the secretary of state:

- (1) modifies or vacates the order; or
- (2) conducts a hearing and issues a final determination.

(f) If the secretary of state conducts a hearing under this section, the secretary of state may depose any witness.

(g) In addition to all other remedies, the secretary of state may seek the following remedies against a person that violates, attempts to violate, or assists in a violation of or an attempt to violate this chapter:

- (1) An injunction.
- (2) Appointment of a receiver or conservator.
- (3) A civil penalty not to exceed five thousand dollars (\$5,000) per violation.
- (4) An action to enforce a civil penalty assessed under subdivision (3).

(h) In a court proceeding initiated under this section in which judgment is awarded to the secretary of state, the secretary of state is entitled to recover the costs and expenses of investigation, and the court shall include the costs in its final judgment.

SECTION 26. IC 9-22-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 11. If the ~~bureau~~ **secretary of state** receives a written complaint from a local zoning body that a disposal facility or automotive salvage rebuilder subject to this chapter is operating in violation of a local zoning ordinance, the ~~bureau~~ **secretary of state** shall delay the issuance or renewal of the facility's or rebuilder's license until the local zoning complaints have been satisfied.

SECTION 27. IC 9-22-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. The ~~bureau~~ **secretary of state** may adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 28. IC 9-22-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) An appeal may be taken from a final order of the secretary of state under this chapter as follows:

- (1) By an applicant for a license under this chapter, from a final order of the secretary of state concerning the application.

C  
o  
p  
y



(2) By a licensee, from a final order of the secretary of state affecting the licensee's license under this chapter.

(3) By a person against whom a civil penalty is assessed under section 10(g)(3) of this chapter, from the final order of the secretary of state assessing the civil penalty.

(4) By a person named as a respondent in an investigation or a proceeding under section 10 of this chapter, from a final order of the secretary of state entered under section 10 of this chapter. An appeal under this subdivision may be taken in:

(A) the Marion County circuit court; or

(B) the circuit or superior court of the county in which the appellant resides or maintains a place of business.

(b) A person who seeks to appeal a final order of the secretary of state under this section must serve the secretary of state with the following not more than twenty (20) days after the entry of the order:

(1) A written notice of the appeal stating:

(A) the court in which the appeal will be taken; and

(B) the grounds on which a reversal of the final order is sought.

(2) A written demand from the appellant for:

(A) a certified transcript of the record; and

(B) all papers on file in the secretary of state's office; concerning the order from which the appeal is being taken.

(3) A bond in the penal sum of five hundred dollars (\$500) payable to the state with sufficient surety to be approved by the secretary of state, conditioned upon:

(A) the faithful prosecution of the appeal to final judgment; and

(B) the payment of all costs that are adjudged against the appellant.

(c) Not later than ten (10) days after the secretary of state is served with the items described in subsection (b), the secretary of state shall make, certify, and deliver to the appellant the transcript described in subsection (b)(2)(A). Not later than five (5) days after the appellant receives the transcript under this subsection, the appellant shall file the transcript and a copy of the notice of appeal with the clerk of the court. The notice of appeal serves as the appellant's complaint. The secretary of state may appear before the court, file any motion or pleading in the matter, and form the issue. The cause shall be entered on the court's calendar to be heard de novo and shall be given precedence over all matters

**C**  
**O**  
**P**  
**Y**



pending in the court.

(d) The court shall receive and consider any pertinent oral or written evidence concerning the order of the secretary of state from which the appeal is taken. If the order of the secretary of state is reversed, the court shall in its mandate specifically direct the secretary of state as to the secretary of state's further action in the matter. The secretary of state is not barred from revoking or altering the order for any proper cause that accrues or is discovered after the order is entered. If the order is affirmed, the appellant may, after thirty (30) days from the date the order is affirmed, file a new application for a license under this chapter if the application is not otherwise barred or limited. During the pendency of the appeal, the order from which the appeal is taken is not suspended but remains in effect unless otherwise ordered by the court. An appeal may be taken from the judgment of the court on the same terms and conditions as an appeal is taken in civil actions.

(e) IC 4-21.5 does not apply to a proceeding under this chapter.

SECTION 29. IC 9-23-2-13, AS AMENDED BY P.L.184-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 13. Except as provided in IC 9-29-1-5 and IC 9-29-8-7, all revenues accruing to the secretary of state under this article shall be deposited in the motor vehicle highway account. ~~All~~ necessary expenses incurred and all compensation paid by the secretary of state for administering this article shall be paid out of funds appropriated from the motor vehicle highway account for this purpose.

SECTION 30. IC 9-23-2-14, AS AMENDED BY P.L.184-2007, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 14. (a) The secretary of state may investigate a violation of this chapter. In conducting an investigation under this subsection, the secretary of state may do the following:

- (1) Administer oaths and affirmations.
- (2) Subpoena witnesses and compel attendance.
- (3) Take evidence.
- (4) Require the production of documents or records that the secretary of state determines are material to the investigation.

Upon a motion by the secretary of state, the court may order a person that fails to obey a subpoena issued under subdivision (2) to obey the subpoena.

(b) A person may not be excused from:

- (1) obeying a subpoena issued by;
- (2) attending a proceeding and testifying as ordered by; or

C  
o  
p  
y



(3) otherwise producing evidence as ordered by:  
the secretary of state on grounds that the person's testimony or evidence may tend to incriminate the person or subject the person to a penalty or forfeiture. However, a person that asserts the privilege against self-incrimination may not be prosecuted or subject to a penalty or forfeiture for any matter concerning the person's testimony or evidence.

(a) (c) Following an investigation under subsection (a), the secretary of state may, without hearing, issue orders and notices that the secretary of state determines to be in the public interest. The secretary of state may issue an order under this subsection denying, suspending, or revoking a license issued under this chapter ~~may be denied, suspended, or revoked~~ for any of the following:

- (1) Material misrepresentation in the application for the license or other information filed with the secretary of state.
- (2) Lack of fitness under the standards set forth in this article or a rule adopted by the secretary of state under this article.
- (3) Willful failure to comply with the provisions of this article or a rule adopted by the secretary of state under this article.
- (4) Willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of motor vehicles.
- (5) Engaging in an unfair practice as set forth in this article or a rule adopted by the secretary of state under this article.
- (6) Violating IC 23-2-2.7.
- (7) Violating IC 9-19-1.

Except as otherwise provided, in subsection (d), the procedures set forth in IC 4-21.5 govern the denial, suspension, or revocation of a license and a judicial review: a denial, suspension, or revocation of a license takes effect after the secretary of state makes a determination and notice of the determination has been served upon the affected person.

(b) If the secretary of state denies, suspends, or revokes a license issued or sought under this article, the affected person may file an action in the circuit court of Marion County, Indiana, or the circuit court of the Indiana county in which the person's principal place of business is located, seeking a judicial determination as to whether the action is proper. The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the secretary of state's determination.

(d) Upon the entry of an order under subsection (c), the secretary of state shall promptly notify all interested parties of the following:

C  
o  
p  
y



(1) The date of issuance.

(2) The reasons for issuance.

(3) That, upon written request from a party, the matter will be set for hearing within fifteen (15) business days after receipt of the request.

(e) An order entered under subsection (c) remains in effect until the secretary of state:

(1) modifies or vacates the summary order; or

(2) conducts a hearing and issues a final determination.

~~(f)~~ (f) Revocation or suspension of a license of a manufacturer, a distributor, a factory branch, a distributor branch, a dealer, or an automobile auctioneer may be limited to one (1) or more locations, to one (1) or more defined areas, or only to certain aspects of the business.

~~(d)~~ A license may be denied, suspended, or revoked for violating ~~IC 9-19-1. IC 4-21.5-4~~ governs the denial, suspension, or revocation of a license under this subsection. The secretary of state may issue a temporary order to enforce this subsection.

(g) If the secretary of state conducts a hearing under this section, the secretary of state may depose any witness.

(h) In addition to all other remedies, the secretary of state may seek the following remedies against a person that violates, attempts to violate, or assists in a violation of or an attempt to violate this chapter:

(1) An injunction.

(2) Appointment of a receiver or conservator.

(3) A civil penalty not to exceed five thousand dollars (\$5,000) per violation.

(4) An action to enforce a civil penalty assessed under subdivision (3).

(i) In a court proceeding initiated under this section in which judgment is awarded to the secretary of state, the secretary of state is entitled to recover the costs and expenses of investigation, and the court shall include the costs in its final judgment.

SECTION 31. IC 9-23-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 17. (a) An appeal may be taken from a final order of the secretary of state under this chapter as follows:

(1) By an applicant for a license under this chapter, from a final order of the secretary of state concerning the application.

(2) By a licensee, from a final order of the secretary of state affecting the licensee's license under this chapter.

C  
o  
p  
y



(3) By a person against whom a civil penalty is imposed under section 14 of this chapter, from the final order of the secretary of state imposing the civil penalty.

(4) By a person named as a respondent in an investigation or a proceeding under section 14 of this chapter, from a final order of the secretary of state under section 14 of this chapter.

An appeal under this subdivision may be taken in:

(A) the Marion County circuit court; or

(B) the circuit or superior court of the county in which the appellant resides or maintains a place of business.

(b) A person who seeks to appeal a final order of the secretary of state under this section must serve the secretary of state with the following not more than twenty (20) days after the entry of the order:

(1) A written notice of the appeal stating:

(A) the court in which the appeal will be taken; and

(B) the grounds on which a reversal of the final order is sought.

(2) A written demand from the appellant for:

(A) a certified transcript of the record; and

(B) all papers on file in the secretary of state's office; concerning the order from which the appeal is being taken.

(3) A bond in the penal sum of five hundred dollars (\$500) payable to the state with sufficient surety to be approved by the secretary of state, conditioned upon:

(A) the faithful prosecution of the appeal to final judgment; and

(B) the payment of all costs that are adjudged against the appellant.

(c) Not later than ten (10) days after the secretary of state is served with the items described in subsection (b), the secretary of state shall make, certify, and deliver to the appellant the transcript described in subsection (b)(2)(A). Not later than five (5) days after the appellant receives the transcript under this subsection, the appellant shall file the transcript and a copy of the notice of appeal with the clerk of the court. The notice of appeal serves as the appellant's complaint. The secretary of state may appear before the court, file any motion or pleading in the matter, and form the issue. The cause shall be entered on the court's calendar to be heard de novo and shall be given precedence over all matters pending in the court.

(d) The court shall receive and consider any pertinent oral or

**C**  
**O**  
**P**  
**Y**



written evidence concerning the order of the secretary of state from which the appeal is taken. If the order of the secretary of state is reversed, the court shall in its mandate specifically direct the secretary of state as to the secretary of state's further action in the matter. The secretary of state is not barred from revoking or altering the order for any proper cause that accrues or is discovered after the order is entered. If the order is affirmed, the appellant may, after thirty (30) days from the date the order is affirmed, file a new application for a license under this chapter if the application is not otherwise barred or limited. During the pendency of the appeal, the order from which the appeal is taken is not suspended but remains in effect unless otherwise ordered by the court. An appeal may be taken from the judgment of the court on the same terms and conditions as an appeal is taken in civil actions.

(e) IC 4-21.5 does not apply to a proceeding under this chapter.

SECTION 32. IC 9-23-2-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 18. (a) The dealer compliance account is established as a separate account to be administered by the secretary of state. The funds in the account must be available, with the approval of the budget agency, for use in enforcing and administering this chapter.

(b) The expenses of administering the dealer compliance account shall be paid from money in the account.

(c) The treasurer of state shall invest the money in the dealer compliance account not currently needed to meet the obligations of the account in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the account.

(d) The dealer compliance account consists of the following:

(1) Money deposited under:

(A) IC 9-29-5-43(b).

(B) IC 9-29-8-7(1).

(2) Appropriations to the account from other sources.

(3) Grants, gifts, donations, or transfers intended for deposit in the account.

(4) Interest that accrues from money in the account.

(e) Money in the dealer compliance account at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the dealer compliance account is continuously appropriated to the secretary of state for the purposes of the

C  
o  
p  
y



**account.**

SECTION 33. IC 9-29-5-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 43. (a) Except as otherwise provided by this chapter, **subsection (b)**, and IC 9-29-1-2, registration fees collected under this chapter shall be paid into the state general fund for credit to the motor vehicle highway account.

(b) Fees collected under this chapter for license plates issued under IC 9-18-26 by the secretary of state shall be deposited as follows:

- (1) Thirty percent (30%) to the dealer compliance account established by IC 9-23-2-18.
- (2) Seventy percent (70%) to the motor vehicle highway account.

SECTION 34. IC 9-29-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. A licensing fee that is submitted with an application under IC 9-22-4 shall be returned to the applicant if the application is rejected by the ~~bureau~~ **secretary of state**.

SECTION 35. IC 9-29-8-7, AS AMENDED BY P.L.184-2007, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. All money collected by the secretary of state from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be ~~credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5~~ **deposited as follows**:

- (1) Thirty percent (30%) to the dealer compliance account established by IC 9-23-2-18.
- (2) Seventy percent (70%) to the motor vehicle highway account.

SECTION 36. IC 9-29-15-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) The fees under IC 9-31-4 for a boat dealer's license for each full year are as follows:

- (1) For a Class A dealer, thirty dollars (\$30) for the first place of business, plus ten dollars (\$10) for each additional location.
- (2) For a Class B dealer, twenty dollars (\$20).

(b) The ~~bureau~~ **secretary of state** retains the fees collected under subsection (a).

SECTION 37. IC 9-29-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) The fee for a change of business name or location under IC 9-31-4-4 is five dollars

C  
o  
p  
y



(\$5).

(b) The fee is retained by the ~~bureau~~ **secretary of state**.

SECTION 38. IC 9-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. A motorboat that has never been registered in Indiana and that is purchased from a dealer licensed by the ~~bureau~~ **secretary of state** under IC 9-31-4 may be operated on the waters of Indiana for a period of thirty-one (31) days from the date of purchase if the operator has in the operator's possession the following:

(1) A bill of sale from the dealer giving the purchaser's name and address, the date of purchase, and the make and type of boat or the hull identification number.

(2) A temporary permit displayed on the forward portion of the boat, as provided in section 6 of this chapter.

SECTION 39. IC 9-31-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) The ~~bureau~~ **secretary of state** shall furnish temporary permits and registration forms to a registered dealer upon request.

(b) A plate or card described in subsection (a) must display the following information:

(1) The dealer's license number.

(2) The date of purchase, plainly stamped or stenciled on the plate or card.

(c) A temporary permit may not be used or displayed unless the plate or card is furnished by the bureau.

(d) A dealer who authorizes the use of a temporary permit under this section does not assume responsibility or incur liability for injury to a person or property during the period the temporary permit is in effect.

SECTION 40. IC 9-31-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 19. A dealer licensed by the ~~bureau~~ **secretary of state** under IC 9-31-4 may, upon application to the ~~bureau~~, **secretary of state**, obtain a certificate of number for use in the testing or demonstrating of motorboats upon payment of the fee prescribed under IC 9-29-15-6 for each registration number. The ~~bureau~~ **secretary of state** shall issue ~~two (2)~~ **plates one (1) plate** for each certificate of number assigned under this section. ~~One (1)~~ **The** plate must be displayed ~~on each side of~~ **within** a boat that is being tested or demonstrated while the boat is being tested or demonstrated.

SECTION 41. IC 9-31-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) An application for a license must meet all the following conditions:

C  
o  
p  
y



- (1) Be accompanied by the fee under IC 9-29-15-7.
- (2) Be on a form prescribed by the ~~bureau~~ **secretary of state**.
- (3) Contain any information that the ~~bureau~~ **secretary of state** reasonably needs to enable the ~~bureau~~ **secretary of state** to determine fully the qualifications and eligibility of the applicant to receive the license, the location of each of the applicant's places of business in Indiana, and the ability of the applicant to conduct properly the business for which the application is submitted.

(b) An application for a license as a dealer must show whether the applicant proposes to sell new or used boats or both.

SECTION 42. IC 9-31-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. A license issued to a dealer must specify the location of each place of business and shall be conspicuously displayed at each business location. If a business name or location is changed, the holder shall notify the ~~bureau~~ **secretary of state** within ten (10) days and remit the fee specified under IC 9-29-15-8. The ~~bureau~~ **secretary of state** shall endorse that change on the license if it is determined that the change is not subject to other provisions of this chapter.

SECTION 43. IC 9-31-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. ~~(a)~~ A license issued under this chapter is valid for ~~two (2) years~~ **one (1) year** after the date the license is issued. ~~as long as the annual fee is paid.~~ All license fees shall be paid ~~in advance~~ at the annual rate under IC 9-29-15-7.

~~(b) A person who surrenders a license at least twelve (12) months before the expiration date of the license may be refunded one-half (1/2) of the annual fee.~~

SECTION 44. IC 9-31-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A license may be denied, suspended, or revoked for any of the following:

- (1) A material misrepresentation in the application for a license or other information filed with the ~~bureau~~ **secretary of state**.
- (2) A lack of fitness under the standards set forth in this chapter or a rule adopted by the ~~bureau~~ **secretary of state** under this chapter.
- (3) A willful failure to comply with this chapter or any rule adopted by the ~~bureau~~ **secretary of state** under this chapter.
- (4) A willful violation of a federal or state law relating to the sale, distribution, financing, or insuring of boats.

(b) The procedures set forth in ~~IC 4-21-5~~ **IC 9-22-4** ~~govern~~ **governing the denial, suspension, or revocation of a license issued under IC 9-22-4 also apply to** the denial, suspension, or revocation of

C  
o  
p  
y



a license **issued under this chapter.** and judicial review of these actions. However, If the **bureau secretary of state** denies, suspends, or revokes a license issued or sought under this chapter, the affected person may file an action in the circuit court of the Indiana county in which the person's principal place of business is located seeking a judicial determination as to whether the action is proper. The **bureau's secretary of state's** action does not take effect until thirty (30) days after the **bureau's secretary of state's** determination has been made and a notice is served upon the affected person. The filing of an action as described in this section within the thirty (30) day period is an automatic stay of the **bureau's secretary of state's** determination.

(c) Revocation or suspension of a license of a dealer may be limited to one (1) or more locations, one (1) or more defined areas, or certain aspects of the business.

SECTION 45. IC 9-31-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 8. In carrying out ~~its~~ **the duties imposed on the secretary of state** under this chapter, the **bureau secretary of state** may do the following:

- (1) Investigate and evaluate the qualifications of applicants for a license.
- (2) Issue, deny, suspend, and revoke licenses.
- (3) Investigate and conduct hearings on violations of this chapter.
- (4) Issue orders and determinations.
- (5) Sue and be sued in the name of the **bureau secretary of state** or the state.

SECTION 46. IC 9-31-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9. The **bureau secretary of state** shall use all revenues accruing to the **bureau secretary of state** under this chapter to enforce this chapter and Indiana boat registration laws. All necessary expenses incurred and all compensation paid by the **bureau secretary of state** for administering this chapter shall be paid out of the revenue received under this chapter and from any supplemental appropriations.

SECTION 47. IC 15-7-1-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 29. The secretary of state shall charge and collect, for the benefit of the state, to be paid to the general fund of the state of Indiana, the following fees to wit:

- (a) For filing with the secretary of state, the articles of incorporation of any association organized or corporation reorganized under this chapter, which provides for the issuance of membership certificates only, and not for certificates of stock, five dollars (\$5).

C  
o  
p  
y



(b) For filing with the secretary of state, articles of incorporation of any association organized or any corporation reorganized under this chapter, which provides for the issue of capital stock, not in excess of five thousand dollars (\$5,000) of par value, five dollars (\$5). If the capital stock authorized to be issued by any such association shall exceed five thousand dollars (\$5,000), one cent (\$0.01) for each one hundred dollars (\$100) of additional par value.

(c) For filing with the secretary of state, a certificate of increase of capital stock of any association for an increase of not more than five thousand dollars (\$5,000) of par value, five dollars (\$5), and for each one hundred dollars (\$100) of par value of increase above such amount, one cent (\$0.01).

(d) For filing with the secretary of state, any certificate not herein specified, five dollars (\$5) each, regardless of the number of amendments contained in said certificate, except increases of capital stock upon which the fee shall be as hereinbefore provided.

(e) For filing biennial or special reports of associations, two dollars (\$2) for each filing, which shall be in addition to any and all other fees herein specified. The biennial report filing fee is one dollar (\$1) per year, to be paid biennially.

~~(f) For filing designation of or change of resident agent for any association, one dollar (\$1):~~

~~(g)~~ (f) For each certificate issued by the secretary of state, one dollar (\$1), and for each impression of the great seal of the state of Indiana, affixed by ~~him~~ **the secretary of state** on said certificate, fifty cents (\$0.50).

SECTION 48. IC 15-12-1-48, AS ADDED BY SEA 190-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) The secretary of state shall charge and collect for the benefit of the state the following fees:

(1) For filing with the secretary of state the articles of incorporation of an association organized or a corporation reorganized under this chapter providing for the issuance of membership certificates only and not for certificates of stock, five dollars (\$5).

(2) For filing with the secretary of state articles of incorporation of an association organized or a corporation reorganized under this chapter providing for the issuance of capital stock not ~~in excess of exceeding~~ five thousand dollars (\$5,000) of par value, five dollars (\$5). If the capital stock authorized to be issued by the

C  
o  
p  
y



association exceeds five thousand dollars (\$5,000), one cent (\$0.01) for each one hundred dollars (\$100) of additional par value.

(3) For filing with the secretary of state a certificate of increase of capital stock of any association for an increase of not more than five thousand dollars (\$5,000) of par value, five dollars (\$5), and for each one hundred dollars (\$100) of par value of increase above five thousand dollars (\$5,000), one cent (\$0.01).

(4) For filing with the secretary of state any certificate not specified in this section, five dollars (\$5) each, regardless of the number of amendments contained in the certificate, with the exception of increases of capital stock. The fee for ~~which~~ **increases of capital stock** is as provided in subdivision (3).

(5) For filing biennial or special reports of associations, two dollars (\$2) for each filing, which is in addition to any other fees specified in this section. The biennial report filing fee is one dollar (\$1) per year, to be paid biennially.

~~(6) For filing a designation of or a change of resident agent for any association, one dollar (\$1):~~

~~(7)~~ **(6)** For each certificate issued by the secretary of state, one dollar (\$1), and for each impression of the seal of the state of Indiana affixed by the secretary of state on the certificate, fifty cents (\$0.50).

(b) Fees collected under subsection (a) shall be deposited in the state general fund.

SECTION 49. IC 23-1-18-3, AS AMENDED BY P.L.60-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~Except as provided in subsection (c),~~ The secretary of state shall collect the following fees when the documents described in this subsection are delivered to the secretary of state for filing:

	Document	Electronic Filing Fee	Fee (Other than electronic filing)
(1)	Articles of incorporation	<b>\$75</b>	\$90
(2)	Application for use of indistinguishable name	<b>\$10</b>	\$20
(3)	Application for reserved name	<b>\$10</b>	\$20
(4)	Application for renewal of reservation	<b>\$10</b>	\$20
(5)	Notice of transfer of	<b>\$10</b>	\$20



C  
o  
p  
y

	reserved name		
(6)	Application for registered name	<b>\$20</b>	\$30
(7)	Application for renewal of registered name	<b>\$20</b>	\$30
(8)	Corporation's statement of change of registered agent or registered office or both	No Fee	<b>No Fee</b>
(9)	Agent's statement of change of registered office for each affected corporation	No Fee	<b>No Fee</b>
(10)	Agent's statement of resignation	No Fee	<b>No Fee</b>
(11)	Amendment of articles of incorporation	<b>\$20</b>	\$30
(12)	Restatement of articles of incorporation	<b>\$20</b>	\$30
	With amendment of articles	<b>\$20</b>	\$30
(13)	Articles of merger or share exchange	<b>\$75</b>	\$90
(14)	Articles of dissolution	<b>\$20</b>	\$30
(15)	Articles of revocation of dissolution	<b>\$20</b>	\$30
(16)	Certificate of administrative dissolution	No Fee	<b>No Fee</b>
(17)	Application for reinstatement following administrative dissolution	<b>\$20</b>	\$30
(18)	Certificate of reinstatement	No Fee	<b>No Fee</b>
(19)	Certificate of judicial dissolution	No Fee	<b>No Fee</b>
(20)	Application for certificate of authority	<b>\$75</b>	\$90
(21)	Application for amended certificate of authority	<b>\$20</b>	\$30
(22)	Application for certificate of withdrawal	<b>\$20</b>	\$30
(23)	Certificate of revocation of authority to transact business	No Fee	<b>No Fee</b>
(24)	Biennial report <del>filed in</del> writing including by facsimile	<b>\$20</b>	\$30

**C**  
**O**  
**P**  
**Y**



<del>(25)</del> Biennial report filed by electronic medium	<del>\$20</del>	
<del>(26)</del> <b>(25)</b> Articles of correction	<b>\$20</b>	\$30
<del>(27)</del> <b>(26)</b> Application for certificate of existence or authorization	\$15	<b>\$15</b>
<del>(28)</del> <b>(27)</b> Any other document required or permitted to be filed by this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without additional fee in connection with particular filings) and a request for other facts of record under section 9(b)(6) of this chapter	<b>\$20</b>	\$30

**The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.**

(b) The fee set forth in subsection (a)(24) for filing a biennial report is:

- (1) fifteen dollars (\$15) per year, for a filing in writing, including facsimile; and
- (2) ten dollars (\$10) per year, for a filing by electronic ~~medium;~~  
**means;**

to be paid biennially.

(c) The secretary of state shall collect a fee of ten dollars (\$10) each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, then that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) Per page for copying \$ 1
- (2) For a certification stamp \$15

~~(e) If document described in subsection (a)(1) or (a)(20) is filed by electronic means as prescribed by the secretary of state, the secretary~~

C  
o  
p  
y



of state shall collect a filing fee of seventy-five dollars (\$75):

SECTION 50. IC 23-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as otherwise provided in section 2 of this chapter:

- (1) a person conducting or transacting business in Indiana under a name, designation, or title other than the real name of the person conducting or transacting such business;
- (2) a corporation conducting business in Indiana under a name, designation, or title other than the name of the corporation as shown by its articles of incorporation;
- (3) a foreign corporation conducting business in Indiana under a name, designation, or title other than the name of the foreign corporation as shown by its application for certificate of authority to transact business in Indiana;
- (4) a limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its certificate of limited partnership;
- (5) a foreign limited partnership conducting business in Indiana under a name, designation, or title other than the name of the limited partnership as shown by its application for registration;
- (6) a limited liability company conducting business in Indiana under a name, designation, or title other than as shown by its articles of organization;
- (7) a foreign limited liability company conducting business in Indiana under a name, designation, or title other than the name of the limited liability company as shown by its application for registration;
- (8) a limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration; and
- (9) a foreign limited liability partnership conducting business in Indiana under a name, designation, or title other than the name of the limited liability partnership as shown by its application for registration;

shall file for record, in the office of the recorder of each county in which a place of business or an office of the person, limited partnership, foreign limited partnership, limited liability company, foreign limited liability company, corporation, or foreign corporation is situated, a certificate stating the assumed name or names to be used, and, in the case of a person, the full name and address of the person engaged in or transacting business, or, in the case of a corporation,

C  
o  
p  
y



foreign corporation, limited liability company, foreign limited liability company, limited partnership, or foreign limited partnership, the full name and the address of the corporation's, limited liability company's, or limited partnership's principal office in Indiana.

(b) The recorder shall keep a record of the certificates filed under this section and shall keep an index of the certificates showing, in alphabetical order, the names of the persons, the names of the partnerships, the names of the limited liability companies, the corporate names of the corporations having such certificates on file in the recorder's office, and the assumed name or names which they intend to use in carrying on their businesses as shown by the certificates.

(c) Before the dissolution of any business for which a certificate is on file with the recorder, the person, limited liability company, partnership, or corporation to which the certificate appertains shall file a notice of dissolution for record in the recorder's office.

(d) The county recorder shall charge a fee in accordance with IC 36-2-7-10 for each certificate, notice of dissolution, and notice of discontinuance of use filed with the recorder's office and recorded under this chapter. The funds received shall be receipted as county funds the same as other money received by the recorders.

(e) A corporation, limited liability company, or limited partnership subject to this chapter shall, in addition to filing the certificate provided for in subsection (a), file with the secretary of state a copy of each certificate.

(f) A person, partnership, limited liability company, or corporation that has filed a certificate of assumed business name or names under subsection (a) or (e) may file a notice of discontinuance of use of assumed business name or names with the secretary of state and with the recorder's office in which the certificate was filed or transferred. The secretary of state and the recorder shall keep a record of notices filed under this subsection.

(g) A corporation or limited partnership, domestic or foreign, that is subject to this chapter and that does not have a place of business or an office in Indiana, shall file the certificate required under subsection (a) in the office of the recorder of the county where the corporation's or limited partnership's registered office is located. The certificate must state the assumed name or names to be used, the name of the registered agent, and the address of the registered office. The corporation or limited partnership must comply with the requirements in subsection (e).

(h) The secretary of state shall collect the following fees when a copy of a certificate is filed with the secretary of state under subsection

**C**  
**O**  
**P**  
**Y**



(e):

(1) A fee of:

**(A) twenty dollars (\$20) for an electronic filing; or****(B) thirty dollars (\$30) for a filing other than an electronic filing;**

from a corporation (other than a nonprofit corporation), limited liability company, or a limited partnership.

(2) A fee of:

**(A) ten dollars (\$10) for an electronic filing; or****(B) twenty-six dollars (\$26) for a filing other than an electronic filing;**

from a nonprofit corporation.

**The secretary of state shall prescribe the electronic means of filing certificates for purposes of collecting fees under this subsection. A fee collected under this subsection is in addition to any other fee collected by the secretary of state.**

SECTION 51. IC 23-16-12-4, AS AMENDED BY P.L.60-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) ~~Except as provided in subsection (d),~~ The secretary of state shall collect the following fees when the documents described in this section are delivered by a domestic or foreign limited partnership to the secretary of state for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Application for reservation of name	\$10	\$20
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for renewal of reservation	\$10	\$20
(4) Notice of transfer of reserved name	\$10	\$20
(5) Application of registered name	\$20	\$30
(6) Application for renewal of registered name	\$20	\$30
(7) Certificate of change of registered agent's business address	No fee	No fee
(8) Certificate of resignation of agent	No fee	No fee
(9) Certificate of limited partnership	\$75	\$90
(10) Certificate of amendment	\$20	\$30

SEA 307 — Concur+



**C**  
**O**  
**P**  
**Y**

(11) Certificate of cancellation	<b>\$75</b>	\$90
(12) Restated certificate of limited partnership or registration	<b>\$20</b>	\$30
(13) Restated certificate of limited partnership or registration with amendments	<b>\$20</b>	\$30
(14) Application for registration	<b>\$75</b>	\$90
(15) Certificate of change of application	<b>\$20</b>	\$30
(16) Certificate of cancellation of registration	<b>\$20</b>	\$30
(17) Certificate of change of registered agent	No fee	<b>No fee</b>
(18) Application for certificate of existence or authorization	\$15	<b>\$15</b>
(19) Any other document required or permitted to be filed under this article, including an application for any other certificates or certification certificate (except for any such other certificates that the secretary of state may determine to issue without additional fee in connection with particular filings)	<b>\$20</b>	\$30

**The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.**

(b) The secretary of state shall collect a fee of ten dollars (\$10) each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, then that party is entitled to recover this fee as costs from the nonprevailing party.

(c) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign limited partnership:

- |                               |      |
|-------------------------------|------|
| (1) Per page for copying      | \$ 1 |
| (2) For a certification stamp | \$15 |

~~(d) If the document described in subsection (a)(9) or (a)(14) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a filing fee of seventy-five dollars (\$75).~~

SECTION 52. IC 23-17-29-3, AS AMENDED BY P.L.60-2007,



C  
o  
p  
y

SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~Except as provided in subsection (d)~~; The secretary of state shall collect the following fees when the following documents are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Articles of Incorporation	\$20	\$30
(2) Application for use of indistinguishable name	\$10	\$20
(3) Application for reserved name	\$10	\$20
(4) Notice of transfer of reserved name	\$10	\$20
(5) Application for renewal of reservation	\$10	\$20
(6) Application for registered name	\$20	\$30
(7) Application for renewal of registered name	\$20	\$30
(8) Corporation's statement of change of registered agent or registered office or both	no fee	no fee
(9) Agent's statement of change of registered office for each affected corporation	no fee	no fee
(10) Agent's statement of resignation	no fee	no fee
(11) Amendment of articles of incorporation	\$20	\$30
(12) Restatement of articles of incorporation with amendments	\$20	\$30
(13) Articles of merger	\$20	\$30
(14) Articles of dissolution	\$20	\$30
(15) Articles of revocation of dissolution	\$20	\$30
(16) Certificate of administrative dissolution	no fee	no fee
(17) Application for reinstatement following administrative dissolution	\$20	\$30
(18) Certificate of reinstatement	no fee	no fee
(19) Certificate of judicial dissolution	no fee	no fee

C  
o  
p  
y



(20) Application for certificate of authority	<b>\$20</b>	\$30
(21) Application for amended certificate of authority	<b>\$20</b>	\$30
(22) Application for certificate of withdrawal	<b>\$20</b>	\$30
(23) Certificate of revocation of authority to transact business	no fee	<b>no fee</b>
(24) Annual report <del>filed in writing, including a facsimile</del>	<b>\$5</b>	\$10
<del>(25) Annual report filed by electronic medium</del>	<del>\$ 5</del>	
<del>(26)</del> <b>(25)</b> Certificate of existence	\$15	<b>\$15</b>
<del>(27)</del> <b>(26)</b> Any other document required or permitted to be filed by this article	<b>\$20</b>	\$30

**The secretary of state shall prescribe the electronic means of filing documents to which the electronic filing fees set forth in this section apply.**

(b) The secretary of state shall collect a fee of ten dollars (\$10) upon being served with process under this article. The party to a proceeding causing service of process may recover the fee paid the secretary of state as costs if the party prevails in the proceeding.

(c) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- (1) One dollar (\$1) a page for copying.
- (2) Fifteen dollars (\$15) for the certification stamp.

~~(d) If the document described in subsection (a)(1) or (a)(20) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a filing fee of twenty dollars (\$20).~~

SECTION 53. IC 23-18-12-3, AS AMENDED BY P.L.60-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) ~~Except as provided in subsection (c),~~ The secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

Document	Electronic Filing Fee	Filing Fee (Other than electronic filing)
(1) Articles of organization	<b>\$75</b>	\$90
(2) Application for use of		

C  
o  
p  
y



indistinguishable name	<b>\$10</b>	\$20
(3) Application for reservation of name	<b>\$10</b>	\$20
(4) Application for renewal of reservation	<b>\$10</b>	\$20
(5) Notice of transfer or cancellation of reservation	<b>\$10</b>	\$20
(6) Application of registered name	<b>\$20</b>	\$30
(7) Application for renewal of registered name	<b>\$20</b>	\$30
(8) Certificate of change of registered agent's business address	No Fee	<b>No Fee</b>
(9) Certificate of resignation of agent	No Fee	<b>No Fee</b>
(10) Articles of amendment	<b>\$20</b>	\$30
(11) Restatement of articles of organization	<b>\$20</b>	\$30
(12) Articles of dissolution	<b>\$20</b>	\$30
(13) Application for certificate of authority	<b>\$75</b>	\$90
(14) Application for amended certificate of authority	<b>\$20</b>	\$30
(15) Application for certificate of withdrawal	<b>\$20</b>	\$30
(16) Application for reinstatement following administrative dissolution	<b>\$20</b>	\$30
(17) Articles of correction	<b>\$20</b>	\$30
(18) Certificate of change of registered agent	No Fee	<b>No Fee</b>
(19) Application for certificate of existence or authorization	<b>\$15</b>	\$15
(20) Biennial report <del>filed in writing,</del> including by facsimile	<b>\$20</b>	\$30
(21) Biennial report filed by electronic medium	<del>\$20</del>	
(22) (21) Articles of merger involving a domestic limited liability company	<b>\$75</b>	\$90
(23) (22) Any other document required or permitted to be filed under this article	<b>\$20</b>	\$30

**The secretary of state shall prescribe the electronic means of filing**

**C  
o  
p  
y**

**SEA 307 — Concur+**



documents to which the electronic filing fees set forth in this section apply.

(b) The fee set forth in subsection (a)(20) for filing a biennial report is:

- (1) for an electronic filing, ten dollars (\$10) per year; or
- (2) for a filing other than an electronic filing, fifteen dollars (\$15) per year;

to be paid biennially.

(c) The secretary of state shall collect a fee of \$10 each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed documents relating to a domestic or foreign limited liability company:

- (1) One dollar (\$1) per page for copying.
- (2) Fifteen dollars (\$15) for certification stamp.

~~(e) If the document described in subsection (a)(1) or (a)(13) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a filing fee of seventy-five dollars (\$75).~~

SECTION 54. [EFFECTIVE JULY 1, 2008] **The rules adopted by the bureau of motor vehicles before July 1, 2008, concerning:**

- (1) IC 9-18-26; and
- (2) IC 9-22-4;

**are considered, after June 30, 2008, rules of the secretary of state.**

SECTION 55. [EFFECTIVE JULY 1, 2008] **(a) Notwithstanding IC 9-29-8-7, as amended by this act, the budget agency shall transfer from the motor vehicle highway account to an account or fund identified by the bureau of motor vehicles and approved by the budget agency an amount necessary to hold the account or fund harmless for money the account or fund would have received under IC 9-29-8-7, before its amendment by this act.**

**(b) A transfer under this SECTION is subject to review by the budget committee.**

**(c) This SECTION expires July 1, 2009.**

SECTION 56. [EFFECTIVE JULY 1, 2008] **(a) The legislative services agency shall prepare legislation for introduction in the 2009 regular session of the general assembly to organize and correct statutes affected by this act.**

**(b) This SECTION expires January 1, 2011.**

C  
o  
p  
y



\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**C  
o  
p  
y**

SEA 307 — Concur+

